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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,208	03/16/2004	Kwang-hee Lee	5649-1277	2034
20792	7590 12/14/2005		EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428			TRAN, THANH Y	
RALEIGH, NC 27627			ART UNIT	PAPER NUMBER
		•	2822	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
1	10/801,208	LEE ET AL.
Office Action Summary	Examiner	Art Unit
	Thanh Y. Tran	2822
The MAILING DATE of this communication appe Period for Reply	ears on the cover sheet with the c	orrespondence address
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  If NO period for reply is specified above, the maximum statutory period wi - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	TE OF THIS COMMUNICATION 6(a). In no event, however, may a reply be tim ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONED	l. ely filed the mailing date of this communication. O (35 U.S.C. § 133).
Status		
<ul> <li>1) Responsive to communication(s) filed on 16 Ma</li> <li>2a) This action is FINAL. 2b) This</li> <li>3) Since this application is in condition for allowan closed in accordance with the practice under Ex</li> </ul>	action is non-final. ce except for formal matters, pro	
Disposition of Claims		
4)  Claim(s) 1-33 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5)  Claim(s) is/are allowed. 6)  Claim(s) is/are rejected. 7)  Claim(s) is/are objected to. 8)  Claim(s) 1-33 are subject to restriction and/or e		
Application Papers		
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) acceed a Applicant may not request that any objection to the description of the descri	pted or b) objected to by the Elrawing(s) be held in abeyance. See on is required if the drawing(s) is obj	37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign pall All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priori application from the International Bureau * See the attached detailed Office action for a list of	have been received. have been received in Application ty documents have been received (PCT Rule 17.2(a)).	on No d in this National Stage
Attachment(s)    Notice of References Cited (PTO-892)   Notice of Draftsperson's Patent Drawing Review (PTO-948)   Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa	

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## **DETAILED ACTION**

## Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

 Claims 1-26, drawn to a method of fabricatingan electrode for a microelectronic device, classified in class 438, subclass 399.

II. Claims 27-33, drawn to a semiconductor structure, classified in class 257, subclass 296.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, that the product as claimed can be made by another and materially different process without using atomic layer deposition method.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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Because these inventions are distinct for the reasons given above and have acquired a

separate status in the art because of their recognized divergent subject matter, restriction for

examination purposes as indicated is proper.

3. This application contains claims directed to the following patentably distinct species of

the claimed invention:

A) If Applicant elects invention Group I, further restriction is required:

Species I: regarding a method comprising: patterning the main ruthenium layer and the

ruthenium seed layer to form the electrode (claims 1-14).

Species II: regarding a method comprising: using a gas containing hydrogen to remove

impurities from the ruthenium seed layer (claims 15-24).

Species III: regarding a method comprising: completing an upper electrode by forming a

second main ruthenium layer using chemical vapor deposition on the second ruthenium seed

layer. (claims 25-26).

B) If Applicant elects invention Group II, further restriction is required:

Species I: regarding a semiconductor device having a capacitor (claims 27-31).

Species II: regarding an apparatus for manufacturing a ruthenium layer on a

semiconductor substrate (claims 32-33).

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Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

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currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Y. Tran whose telephone number is (571) 272-2110. The examiner can normally be reached on M-F (9-6:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zandra Smith, can be reached on (571) 272-2429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYT

HOAIPHAM PRIMARY EXAMINER